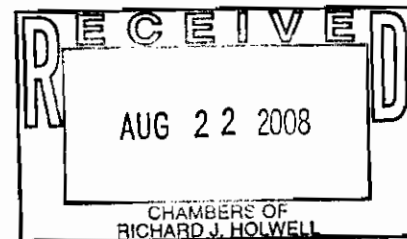


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August 21, 2008

Via Facsimile (212) 805-7948

Hon. Richard J. Holwell  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 9/3/08Re: Thelma Felipe v. Target Corporation and Kingsbridge Associates, LLCDocket No. : 08 CV 4317 (RJH) (HP)  
Our File No. : 290/8072/PLK  
Date of Loss : 9/9/07

Dear Judge Holwell:

This firm represents defendant Kingsbridge Associates LLC ("Kingsbridge") in the above referenced matter. The purpose of this letter is to request a pre-motion conference, pursuant to your individual practice rule 3A, to obtain permission to file a pre-answer motion to dismiss and/or summary judgment because Kingsbridge does not, as a matter of law, owe plaintiff a duty of care.

Based upon the prior docket entries for this matter, your Honor is aware that this matter involves an alleged slip and fall in a Target Store located in the River Plaza Shopping Center, on September 9, 2007. Plaintiff's claims against Kingsbridge are based solely upon ownership and maintenance of the subject Target store. However, Kingsbridge does not own the Target store property or have any responsibility for maintaining the inside portion of the store. Indeed, co-defendant Target Corporation ("Target") provided this court and plaintiff's counsel with a Bargain and Sale Deed that indicates that it owned the subject premises on the date of the alleged incident. Further, Target admits in its papers in opposition to plaintiff's motion to remand that Kingsbridge does not maintain the subject premises.

A sworn affidavit from Kingsbridge's Controller, Mr. Jeff Bernstein, setting forth the above along with a proposed stipulation of discontinuance was provided to plaintiff's counsel. However, plaintiff's counsel has refused to execute the stipulation. Plaintiff's counsel based his decision upon a New York City World Wide Web site that indicates the subject premises was transferred to Kingsbridge before the alleged incident and an easement.

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Page 2

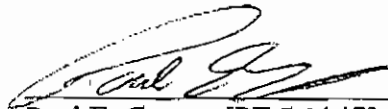
First, the web site plaintiff referenced is also able to provide corresponding deeds and the only deed presented to date is the one that indicates Target owns the subject premises. Second, the easement has nothing to do with the interior or the subject store. A review of plaintiff's motion to remand fails to cite to any portion of the easement requiring Kingsbridge maintain the interior portion of the store where plaintiff fell.

In sum, plaintiff has no good faith basis to pursue this case against Kingsbridge. In fact, the only reason plaintiff is pursuing this claim against Kingsbridge is to break diversity and force this matter to be remanded back to state court. It is respectfully submitted that such a purpose without any viable basis to prevail warrants sanctions pursuant to Rule 11 of the Fed R. Civ. Pro. if Kingsbridge is forced to make such a motion.

Thank you for your attention to this matter.

Very truly yours,

LESTER SCHWAB KATZ & DWYER, LLP

  
Paul E. Carney [PEC 2147]

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No pre-motion conference  
will be required.  
Kingsbridge may proceed  
with its motion.

SO ORDERED



USOJ

8/26/08